

REMARKS

This Response is submitted in reply to the Office Action mailed on August 29, 2007. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-706 on the account statement.

Claims 1-12 and 14-15 are pending. Claim 13 was previously canceled and Claims 6-8, 12 and 14-15 were previously withdrawn. In the Office Action, Claims 1-5 and 9-11 are rejected under 35 U.S.C. §103. For the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 1-5 and 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0107292 to Bortlik et al. ("Bortlik"). Independent Claims 1, 9, 10 and 11 recite, in part, a natural lycopene concentrate. Applicants respectfully submit that the *Bortlik* fails to disclose or suggest every element of the present claims.

Applicants respectfully submit that *Bortlik* fails to disclose or suggest a natural lycopene concentrate as required, in part, by the present claims. Rather, *Bortlik* teaches a lycopene concentrate having modified native characteristics by virtue of being mixed with a solvent. Specifically, *Bortlik* teaches two processes for preparing a lycopene composition, both of which require mixing the lipophilic bioactive compound with a solvent, the solvent preferably being acetone, isoproponol or ethanol. See, *Bortlik*, [0032-0037], [0040] and [0042-0045].

By contrast to *Bortlik*, the present claims require a "natural" lycopene concentrate, meaning that the product has only been subject to technological treatments that do not modify its native characteristics. See, Preliminary Amendment, [0007]. This is accomplished, for example, by providing a lycopene concentrate that is water-soluble at room temperature without using a solvent, in order to preserve the natural state of the concentrate. See, Preliminary Amendment, [0020].

In contrast to the claimed invention, *Bortlik* teaches use of a solvent to prepare its composition. *Bortlik*, therefore fails to disclose or suggest the natural lycopene concentrate required by the claims and indeed teaches away from same.

Accordingly, Applicants respectfully request that the obviousness rejections of Claims 1-5 and 9-11 be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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